

MCLELLAN LAW GROUP, LLP
Steven D. McLellan (SBN 311395)
Claire A. Melehani (SBN 324763)
20665 4th Street, Suite 202
Saratoga, CA 95070
Telephone: (650) 383-1266
E-mail: steven@mclellanlawgroup.com; claire@mclellanlawgroup.com

Attorneys for Defendant Fishermen's Catch, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

BRAND LITTLE and ROBIN BURNS,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

vs.

PACIFIC SEAFOOD PROCUREMENT,
LLC et al.;

Defendants

Case No. 3:23-cv-01098-AGT

**DEFENDANT, FISHERMEN'S CATCH,
INC.'S, ANSWER TO PLAINTIFFS'
SECOND AMENDED CLASS ACTION
COMPLAINT**

Judge: Hon. Alex G. Tse

DEMAND FOR JURY TRIAL

ANSWER

Defendant Fishermen's Catch, Inc., hereby answers Plaintiffs' second amended class action complaint ("SAC"), dated February 7, 2025 (Dkt. 255). Any allegation not explicitly admitted is denied. By admitting that the SAC purports to characterize or quote particular documents, Fishermen's Catch does not admit the truth of any assertion in the referenced document.

Moreover, headings, footnotes, screenshots or other images, charts, graphs, and figures contained within the Amended Complaint are not substantive allegations to which an answer is required. Any allegations contained therein do not comply with Federal Rule of Civil Procedure 10(b), providing that allegations be stated “in numbered paragraphs, each limited as far as practicable to a single set of circumstances.” To the extent headings are deemed to be substantive allegations to which an answer is required, Fishermen’s Catch denies the allegations. To the extent footnotes, screenshots or other images, charts, graphs, or figures in the Amended Complaint are deemed to be substantive allegations, then the response to the paragraph in which the footnote or figure is found is Fishermen’s Catch’s response to the footnote, chart, graph or figure as well.

INTRODUCTION

1. Fishermen’s Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 1 of the SAC, and accordingly denies the allegations on this basis.

2. Fishermen’s Catch admits that the Dungeness crab fishery has become an important fishery for Pacific Northwest commercial fishers. Fishermen’s Catch lacks knowledge or information sufficient to admit or deny the remaining allegations in Paragraph 2 of the SAC, and accordingly denies those remaining allegations on this basis. Unless expressly admitted, Fishermen’s Catch denies the allegations in this Paragraph.

3. Fishermen’s Catch admits that the “ex vessel price” means the price off the boat. Unless expressly admitted, Fishermen’s Catch denies the allegations in Paragraph 3 of the SAC.

4. Fishermen’s Catch denies the allegations in Paragraph 4 of the SAC.

5. Fishermen’s Catch denies the allegations in Paragraph 5 of the SAC.

6. Fishermen’s Catch denies the allegations in Paragraph 6 of the SAC.

7. Fishermen’s Catch denies the allegations in Paragraph 7 of the SAC.

8. Fishermen’s Catch denies the allegations in Paragraph 8 of the SAC.

9. Fishermen’s Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 9 of the SAC, and accordingly denies the allegations on this basis.

23. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 23 of the SAC, and accordingly denies the allegations on this basis.

24. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 24 of the SAC, and accordingly denies the allegations on this basis.

25. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 25 of the SAC, and accordingly denies the allegations on this basis.

26. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 26 of the SAC, and accordingly denies the allegations on this basis.

27. The allegations in Paragraph 27 of the SAC are legal conclusions, and thus there is nothing to admit or deny. To the extent a response is required, Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 27 of the SAC, and accordingly denies the allegations on this basis.

28. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 28 of the SAC, and accordingly denies the allegations on this basis.

29. Fishermen's Catch admits that Pacific Seafood's website states what it states. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the remaining allegations in Paragraph 29 of the SAC, and accordingly denies the allegations on this basis. Unless expressly admitted, Fishermen's Catch denies the allegations in this Paragraph.

30. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 30 of the SAC, and accordingly denies the allegations on this basis.

31. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 31 of the SAC, and accordingly denies the allegations on this basis.

32. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 32 of the SAC, and accordingly denies the allegations on this basis.

33. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 33 of the SAC, and accordingly denies the allegations on this basis.

34. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 34 of the SAC, and accordingly denies the allegations on this basis.

1 35. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 35 of the SAC, and accordingly denies the allegations on this basis.

3 36. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
4 the allegations in Paragraph 36 of the SAC, and accordingly denies the allegations on this basis.

5 37. Fishermen's Catch admits that there was a case *Whaley v. Pac. Seafood Grp.*,
6 No. 1:10-CV-3057-MC (D. Or.). Fishermen's Catch lacks knowledge or information sufficient
7 to admit or deny the allegations in Paragraph 37 of the SAC, and accordingly denies the
8 allegations on this basis. Unless expressly admitted, Fishermen's Catch denies the allegations in
9 this Paragraph.

10 38. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
11 the allegations in Paragraph 38 of the SAC, and accordingly denies the allegations on this basis.

12 39. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
13 the allegations in Paragraph 39 of the SAC, and accordingly denies the allegations on this basis.

14 40. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
15 the allegations in Paragraph 40 of the SAC, and accordingly denies the allegations on this basis.

16 41. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
17 the allegations in Paragraph 41 of the SAC, and accordingly denies the allegations on this basis.

18 42. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
19 the allegations in Paragraph 42 of the SAC, and accordingly denies the allegations on this basis.

20 43. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
21 the allegations in Paragraph 43 of the SAC, and accordingly denies the allegations on this basis.

22 44. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
23 the allegations in Paragraph 44 of the SAC, and accordingly denies the allegations on this basis.

24 45. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
25 the allegations in Paragraph 45 of the SAC, and accordingly denies the allegations on this basis.

26 46. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
27 the allegations in Paragraph 46 of the SAC, and accordingly denies the allegations on this basis.
28

1 47. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 47 of the SAC, and accordingly denies the allegations on this basis.

3 48. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
4 the allegations in Paragraph 48 of the SAC, and accordingly denies the allegations on this basis.

5 49. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
6 the allegations in Paragraph 49 of the SAC, and accordingly denies the allegations on this basis.

7 50. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
8 the allegations in Paragraph 50 of the SAC, and accordingly denies the allegations on this basis.

9 51. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
10 the allegations in Paragraph 51 of the SAC, and accordingly denies the allegations on this basis.

11 52. The allegations in Paragraph 52 of the SAC are legal conclusions, and thus there
12 is nothing to admit or deny. To the extent a response is required, Fishermen's Catch lacks
13 knowledge or information sufficient to admit or deny the allegations in Paragraph 52 of the
14 SAC, and accordingly denies the allegations on this basis.

15 53. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
16 the allegations in Paragraph 53 of the SAC, and accordingly denies the allegations on this basis.

17 54. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
18 the allegations in Paragraph 54 of the SAC, and accordingly denies the allegations on this basis.

19 55. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
20 the allegations in Paragraph 55 of the SAC, and accordingly denies the allegations on this basis.

21 56. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
22 the allegations in Paragraph 56 of the SAC, and accordingly denies the allegations on this basis.

23 57. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
24 the allegations in Paragraph 57 of the SAC, and accordingly denies the allegations on this basis.

25 58. The allegations in Paragraph 58 of the SAC are legal conclusions, and thus there
26 is nothing to admit or deny. To the extent a response is required, Fishermen's Catch lacks
27 knowledge or information sufficient to admit or deny the allegations in Paragraph 58 of the
28 SAC, and accordingly denies the allegations on this basis.

1 59. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 59 of the SAC, and accordingly denies the allegations on this basis.

3 60. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
4 the allegations in Paragraph 60 of the SAC, and accordingly denies the allegations on this basis.

5 61. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
6 the allegations in Paragraph 61 of the SAC, and accordingly denies the allegations on this basis.

7 62. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
8 the allegations in Paragraph 62 of the SAC, and accordingly denies the allegations on this basis.

9 63. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
10 the allegations in Paragraph 63 of the SAC, and accordingly denies the allegations on this basis.

11 64. Fishermen's Catch admits that there are Court orders in Dockets 61 and 73 of
12 this action. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the
13 remaining allegations in Paragraph 64 of the SAC, and accordingly denies the allegations on this
14 basis. Unless expressly admitted, Fishermen's Catch denies the allegations in this Paragraph.

15 65. Fishermen's Catch denies that it recommended to Kevin Lee that he sell Nor-Cal
16 "to evade liability from the instant lawsuit." Fishermen's Catch lacks knowledge or information
17 sufficient to admit or deny the remaining allegations in Paragraph 65 of the SAC, and
18 accordingly denies the allegations on this basis.

19 66. The allegations in Paragraph 66 of the SAC are legal conclusions, and thus there
20 is nothing to admit or deny. To the extent a response is required, Fishermen's Catch lacks
21 knowledge or information sufficient to admit or deny the allegations in Paragraph 66 of the
22 SAC, and accordingly denies the allegations on this basis.

23 67. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
24 the allegations in Paragraph 67 of the SAC, and accordingly denies the allegations on this basis.

25 68. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
26 the allegations in Paragraph 68 of the SAC, and accordingly denies the allegations on this basis.

27 69. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
28 the allegations in Paragraph 69 of the SAC, and accordingly denies the allegations on this basis.

1 70. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 70 of the SAC, and accordingly denies the allegations on this basis.

3 71. The allegations in Paragraph 71 of the SAC are legal conclusions, and thus there
4 is nothing to admit or deny. To the extent a response is required, Fishermen's Catch lacks
5 knowledge or information sufficient to admit or deny the allegations in Paragraph 71 of the
6 SAC, and accordingly denies the allegations on this basis.

7 72. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
8 the allegations in Paragraph 72 of the SAC, and accordingly denies the allegations on this basis.

9 73. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
10 the allegations in Paragraph 73 of the SAC, and accordingly denies the allegations on this basis.

11 74. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
12 the allegations in Paragraph 74 of the SAC, and accordingly denies the allegations on this basis.

13 75. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
14 the allegations in Paragraph 75 of the SAC, and accordingly denies the allegations on this basis.

15 76. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
16 the allegations in Paragraph 76 of the SAC, and accordingly denies the allegations on this basis.

17 77. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
18 the allegations in Paragraph 77 of the SAC, and accordingly denies the allegations on this basis.

19 78. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
20 the allegations in Paragraph 78 of the SAC, and accordingly denies the allegations on this basis.

21 79. The allegations in Paragraph 79 of the SAC are legal conclusions, and thus there
22 is nothing to admit or deny. To the extent a response is required, Fishermen's Catch lacks
23 knowledge or information sufficient to admit or deny the allegations in Paragraph 79 of the
24 SAC, and accordingly denies the allegations on this basis.

25 80. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
26 the allegations in Paragraph 80 of the SAC, and accordingly denies the allegations on this basis.

27 81. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
28 the allegations in Paragraph 81 of the SAC, and accordingly denies the allegations on this basis.

1 82. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 82 of the SAC, and accordingly denies the allegations on this basis.

3 83. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
4 the allegations in Paragraph 83 of the SAC, and accordingly denies the allegations on this basis.

5 84. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
6 the allegations in Paragraph 84 of the SAC, and accordingly denies the allegations on this basis.

7 85. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
8 the allegations in Paragraph 85 of the SAC, and accordingly denies the allegations on this basis.

9 86. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
10 the allegations in Paragraph 86 of the SAC, and accordingly denies the allegations on this basis.

11 87. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
12 the allegations in Paragraph 87 of the SAC, and accordingly denies the allegations on this basis.

13 88. The allegations in Paragraph 88 of the SAC are legal conclusions, and thus there
14 is nothing to admit or deny. To the extent a response is required, Fishermen's Catch lacks
15 knowledge or information sufficient to admit or deny the allegations in Paragraph 88 of the
16 SAC, and accordingly denies the allegations on this basis.

17 89. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
18 the allegations in Paragraph 89 of the SAC, and accordingly denies the allegations on this basis.

19 90. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
20 the allegations in Paragraph 90 of the SAC, and accordingly denies the allegations on this basis.

21 91. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
22 the allegations in Paragraph 91 of the SAC, and accordingly denies the allegations on this basis.

23 92. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
24 the allegations in Paragraph 92 of the SAC, and accordingly denies the allegations on this basis.

25 93. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
26 the allegations in Paragraph 93 of the SAC, and accordingly denies the allegations on this basis.

27 94. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
28 the allegations in Paragraph 94 of the SAC, and accordingly denies the allegations on this basis.

1 95. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 95 of the SAC, and accordingly denies the allegations on this basis.

3 96. The allegations in Paragraph 96 of the SAC are legal conclusions, and thus there
4 is nothing to admit or deny. To the extent a response is required, Fishermen's Catch lacks
5 knowledge or information sufficient to admit or deny the allegations in Paragraph 96 of the
6 SAC, and accordingly denies the allegations on this basis.

7 97. Fishermen's Catch admits the allegations in Paragraph 97 of the SAC.

8 98. Fishermen's Catch admits that it does business as "Fishermen's Catch."
9 Fishermen's Catch denies that it has done business in the relevant period, since it was formed in
10 2020, and the relevant period in the complaint stretches back to 2015/2016. Fishermen's Catch
11 admits that it has done business in the Dungeness crab market starting with the 2020/2021
12 season. Unless expressly admitted, Fishermen's Catch denies the allegations in Paragraph 98 of
13 the SAC.

14 99. Fishermen's Catch admits that Peter Nguyen and Leon Gavin are Fishermen's
15 Catch's representatives in the Pacific NW Area Dungeness crab ex vessel market. Fishermen's
16 Catch is unclear as to the term "principal representatives." Given that, Fishermen's Catch admits
17 that Peter Nguyen is the principal representative, and denies the allegations that Leon Gavin is a
18 "principal representative." Unless expressly admitted, Fishermen's Catch denies the allegations
19 in Paragraph 99 of the SAC.

20 100. Fishermen's Catch admits that it made ex vessel purchases of Dungeness crab in
21 Berkeley, Crescent City, Bodega Bay, and Orick California, and Brookings and Astoria, Oregon.
22 Fishermen's Catch denies that it made these purchases in "the relevant period," since it was
23 formed in 2020, and the relevant period in the complaint stretches back to 2015/2016.
24 Fishermen's Catch admits that it made these purchases in the Dungeness crab market starting
25 with the 2020/2021 season. Unless expressly admitted, Fishermen's Catch denies the allegations
26 in Paragraph 100 of the SAC.

27 101. The allegations in Paragraph 101 of the SAC are legal conclusions, and thus
28 there is nothing to admit or deny. To the extent a response is required, Fishermen's Catch lacks

1 knowledge or information sufficient to admit or deny the allegations in Paragraph 101 of the
2 SAC, and accordingly denies the allegations on this basis.

3 102. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
4 the allegations in Paragraph 102 of the SAC, and accordingly denies the allegations on this
5 basis.

6 103. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
7 the allegations in Paragraph 103 of the SAC, and accordingly denies the allegations on this
8 basis.

9 104. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
10 the allegations in Paragraph 104 of the SAC, and accordingly denies the allegations on this
11 basis.

12 105. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
13 the allegations in Paragraph 105 of the SAC, and accordingly denies the allegations on this
14 basis.

15 106. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
16 the allegations in Paragraph 106 of the SAC, and accordingly denies the allegations on this
17 basis.

18 107. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
19 the allegations in Paragraph 107 of the SAC, and accordingly denies the allegations on this
20 basis.

21 108. The allegations in Paragraph 108 of the SAC are legal conclusions, and thus
22 there is nothing to admit or deny. To the extent a response is required, Fishermen's Catch lacks
23 knowledge or information sufficient to admit or deny the allegations in Paragraph 108 of the
24 SAC, and accordingly denies the allegations on this basis.

25 109. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
26 the allegations in Paragraph 109 of the SAC, and accordingly denies the allegations on this
27 basis.

1 110. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 110 of the SAC, and accordingly denies the allegations on this
3 basis.

4 111. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
5 the allegations in Paragraph 111 of the SAC, and accordingly denies the allegations on this
6 basis.

7 112. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
8 the allegations in Paragraph 112 of the SAC, and accordingly denies the allegations on this
9 basis.

10 113. The allegations in Paragraph 113 of the SAC are legal conclusions, and thus
11 there is nothing to admit or deny. To the extent a response is required, Fishermen's Catch lacks
12 knowledge or information sufficient to admit or deny the allegations in Paragraph 113 of the
13 SAC, and accordingly denies the allegations on this basis.

14 114. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
15 the allegations in Paragraph 114 of the SAC, and accordingly denies the allegations on this
16 basis.

17 115. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
18 the allegations in Paragraph 115 of the SAC, and accordingly denies the allegations on this
19 basis.

20 116. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
21 the allegations in Paragraph 116 of the SAC, and accordingly denies the allegations on this
22 basis.

23 117. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
24 the allegations in Paragraph 117 of the SAC, and accordingly denies the allegations on this
25 basis.

26 118. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
27 the allegations in Paragraph 118 of the SAC, and accordingly denies the allegations on this
28 basis.

1 119. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 118 of the SAC, and accordingly denies the allegations on this
3 basis.

4 120. The allegations in Paragraph 120 of the SAC are legal conclusions, and thus
5 there is nothing to admit or deny. To the extent a response is required, Fishermen's Catch lacks
6 knowledge or information sufficient to admit or deny the allegations in Paragraph 120 of the
7 SAC, and accordingly denies the allegations on this basis.

8 121. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
9 the allegations in Paragraph 121 of the SAC, and accordingly denies the allegations on this
10 basis.

11
12 **III. Agents and Co-Conspirators**

13 122. The allegations in Paragraph 122 of the SAC are legal conclusions, and thus
14 there is nothing to admit or deny. To the extent a response is required, Fishermen's Catch denies
15 the allegations in Paragraph 122 of the SAC.

16 123. The allegations in Paragraph 123 of the SAC are legal conclusions, and thus
17 there is nothing to admit or deny. To the extent a response is required, Fishermen's Catch denies
18 the allegations in Paragraph 123 of the SAC.

19 124. The allegations in Paragraph 124 of the SAC are legal conclusions, and thus
20 there is nothing to admit or deny. To the extent a response is required, Fishermen's Catch denies
21 the allegations in Paragraph 124 of the SAC.

22 125. The allegations in Paragraph 125 of the SAC are legal conclusions, and thus
23 there is nothing to admit or deny. To the extent a response is required, Fishermen's Catch
24 denies the allegations in Paragraph 125 of the SAC.

25 126. The allegations in Paragraph 126 of the SAC are legal conclusions, and thus
26 there is nothing to admit or deny. To the extent a response is required, Fishermen's Catch denies
27 the allegations in Paragraph 126 of the SAC.

1 127. The allegations in Paragraph 127 of the SAC are legal conclusions, and thus
2 there is nothing to admit or deny. To the extent a response is required, Fishermen's Catch denies
3 the allegations in Paragraph 127 of the SAC.

4 128. The allegations in Paragraph 128 of the SAC are legal conclusions, and thus
5 there is nothing to admit or deny. To the extent a response is required, Fishermen's Catch denies
6 the allegations in Paragraph 128 of the SAC.

7 129. The allegations in Paragraph 129 of the SAC are legal conclusions, and thus
8 there is nothing to admit or deny. To the extent a response is required, Fishermen's Catch denies
9 the allegations in Paragraph 129 of the SAC.

10 130. Fishermen's Catch denies the allegations in Paragraph 130 of the SAC.
11

12 **JURISDICTION, VENUE, AND COMMERCE**

13 131. The allegations in Paragraph 131 of the SAC are legal conclusions, and thus
14 there is nothing to admit or deny. To the extent a response is required, Fishermen's Catch
15 admits that the Court has subject matter jurisdiction to the extent Plaintiffs have suffered an
16 injury cognizable under Article III of the United States Constitution.

17 132. The allegations in Paragraph 132 of the SAC are legal conclusions, and thus
18 there is nothing to admit or deny. To the extent a response is required, Fishermen's Catch denies
19 the allegations in Paragraph 132 of the SAC.

20 133. The allegations in Paragraph 133 of the SAC are legal conclusions, and thus
21 there is nothing to admit or deny. To the extent a response is required, Fishermen's Catch
22 admits that venue in this District is appropriate. Unless expressly admitted, Fishermen's Catch
23 denies the allegations in this Paragraph.

24 134. The allegations in Paragraph 134 of the SAC are legal conclusions, and thus
25 there is nothing to admit or deny. To the extent a response is required, Fishermen's Catch denies
26 the allegations in Paragraph 134 of the SAC.
27
28

1 142. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 142 of the SAC, and accordingly denies the allegations on this
3 basis.

4 143. Fishermen's Catch admits that ex vessel buyers of Dungeness crab for resale are
5 required to hold a receive license issued by the state in which they make ex vessel purchases.
6 Unless expressly admitted, Fishermen's Catch denies the allegations in Paragraph 143 of the
7 SAC.

8 144. Fishermen's Catch admits that it resells Dungeness crab either live, fresh cooked,
9 in sections, but denies that it resells Dungeness crab frozen or canned. Unless expressly
10 admitted, Fishermen's Catch denies the allegations in Paragraph 144 of the SAC.

11 145. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
12 the allegations in Paragraph 145 of the SAC, and accordingly denies the allegations on this
13 basis.

14 146. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
15 the allegations in Paragraph 146 of the SAC, and accordingly denies the allegations on this
16 basis.

17 147. Fishermen's Catch denies the allegations that it operated as a front for anyone
18 else. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the
19 remaining allegations in Paragraph 147 of the SAC, and accordingly denies the allegations on
20 this basis.

21 148. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
22 the allegations in Paragraph 148 of the SAC, and accordingly denies the allegations on this
23 basis.

24 149. Fishermen's Catch denies the allegations of Paragraph 149 of the SAC.

25 150. Fishermen's Catch denies the allegations of Paragraph 150 of the SAC.

26 151. Fishermen's Catch denies the allegations of Paragraph 151 of the SAC.

27
28 **II. Defendants' Price-Fixing Cartel**

A. Defendants' Carel Arose out of a Marked Increase in Dungeness Ex Vessel Prices Being Paid to Crabbers in the Pacific NW Area that Started in 2006/2007 Season and Continued Through the 2014/15 Season

152. Fishermen's Catch denies the allegations of Paragraph 152 of the SAC.

153. Fishermen's Catch admits that greater demand for crab, including from export markets, including in Asia, could have resulted in greater amounts of crab being purchased ex vessel on the West Coast. Unless expressly admitted, Fishermen's Catch denies the allegations in Paragraph 153 of the SAC.

154. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 154 of the SAC, and accordingly denies the allegations on this basis.

155. Fishermen's Catch admits that Nor-Cal, Ocean King, and ASE purchase Dungeness crab ex vessel. Unless expressly admitted, Fishermen's Catch denies the allegations in Paragraph 155 of the SAC.

156. Fishermen's Catch denies the allegations in Paragraph 156 of the SAC.

157. Fishermen's Catch denies the allegations in Paragraph 157 of the SAC.

158. Fishermen's Catch denies the allegations in Paragraph 158 of the SAC.

159. Fishermen's Catch denies the allegations in Paragraph 159 of the SAC.

160. Fishermen's Catch admits that there are crab buyers that purchase crab, pay operators of independent hoists in ports to offload the crab, and transport crab using refrigerated vans. Unless expressly admitted, Fishermen's Catch denies the allegations of Paragraph 160 of the SAC.

161. Fishermen's Catch admits that independent hoist operators may be paid according to the weigh of the crab offloaded by the buyers. Unless expressly admitted, Fishermen's Catch denies the allegations of Paragraph 161 of the SAC.

162. Fishermen's Catch admits that crabbers talk about the prices they received ex vessel and may use that information to negotiate with the same or different buyers to purchase crab. Unless expressly admitted, Fishermen's Catch denies the allegations of Paragraph 162 of the SAC.

1 163. Fishermen's Catch denies the allegation that ex vessel prices for Dungeness crab
2 had climbed "significantly" in the Pacific NW Area by the 2014/15 season. Fishermen's Catch
3 lacks knowledge or information sufficient to admit or deny the remaining allegations in
4 Paragraph 163 of the SAC, and accordingly denies the allegations on this basis.

5 164. Fishermen's Catch denies the allegations in Paragraph 164 of the SAC.

6 165. Fishermen's Catch denies that there was an agreement among ex vessel buyers to
7 suppress prices. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
8 the remaining allegations in Paragraph 165 of the SAC, and accordingly denies the allegations
9 on this basis.

10 166. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
11 the allegations in Paragraph 166 of the SAC, and accordingly denies the allegations on this
12 basis.

13 167. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
14 the allegations in Paragraph 167 of the SAC, and accordingly denies the allegations on this
15 basis.

16 168. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
17 the allegations in Paragraph 168 of the SAC, and accordingly denies the allegations on this
18 basis.

19 169. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
20 the allegations in Paragraph 169 of the SAC, and accordingly denies the allegations on this
21 basis.

22 170. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
23 the remaining allegations in Paragraph 170 of the SAC, and accordingly denies the allegations
24 on this basis.

25 171. Fishermen's Catch denies the allegations in Paragraph 171 of the SAC.

26 172. Fishermen's Catch denies the allegations in Paragraph 172 of the SAC.

27
28 **B. Defendants Have Agreed to Allow Pacific Seafood to Set the Opening Price,
which Has Resulted in Delayed Opening and a Lower Opening Price, which**

Is the Price at which a Large Portion of the Season's Catch Is Traditionally Sold and Which Sets the Baseline Price for the Remainder of the Season

173. Fishermen's Catch denies the allegations in Paragraph 173 of the SAC.

174. Fishermen's Catch denies the allegations in Paragraph 174 of the SAC.

175. Fishermen's Catch denies the allegations in Paragraph 175 of the SAC.

176. Fishermen's Catch denies the allegations in Paragraph 176 of the SAC.

177. Fishermen's Catch denies the allegations in Paragraph 177 of the SAC.

1. 2019/20 Pacific NW Area Dungeness Crab Season

178. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 178 of the SAC, and accordingly denies the allegations on this basis.

179. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 179 of the SAC, and accordingly denies the allegations on this basis.

180. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 180 of the SAC, and accordingly denies the allegations on this basis.

181. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 181 of the SAC, and accordingly denies the allegations on this basis.

182. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 182 of the SAC, and accordingly denies the allegations on this basis.

183. Fishermen's Catch denies the allegations in Paragraph 183 in the SAC.

2. 2020/21 Pacific NW Area Dungeness Crab Season

184. Fishermen's Catch denies the allegations in Paragraph 184 of the SAC.

1 185. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 185 of the SAC, and accordingly denies the allegations on this
3 basis.

4 186. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
5 the allegations in Paragraph 186 of the SAC, and accordingly denies the allegations on this
6 basis.

7 187. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
8 the allegations in Paragraph 187 of the SAC, and accordingly denies the allegations on this
9 basis.

10 188. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
11 the allegations in Paragraph 188 of the SAC, and accordingly denies the allegations on this
12 basis.

13 189. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
14 the remaining allegations in Paragraph 189 of the SAC, and accordingly denies the allegations
15 on this basis.

16 190. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
17 the allegations in Paragraph 190 of the SAC, and accordingly denies the allegations on this
18 basis.

19 191. Fishermen's Catch denies the allegations in Paragraph 191 of the SAC.

20 192. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
21 the allegations in Paragraph 192 of the SAC, and accordingly denies the allegations on this
22 basis.

23

24 **3. 2021/22 Pacific NW Area Dungeness Crab Season**

25 193. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
26 the allegations in Paragraph 193 of the SAC, and accordingly denies the allegations on this
27 basis.

28 194. Fishermen's Catch denies the allegations in Paragraph 194 of the SAC.

1 195. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 195 of the SAC, and accordingly denies the allegations on this
3 basis.

4 196. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
5 the allegations in Paragraph 196 of the SAC, and accordingly denies the allegations on this
6 basis.

7 197. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
8 the allegations in Paragraph 197 of the SAC, and accordingly denies the allegations on this
9 basis.

10
11 **4. 2022/23 Pacific NW Area Dungeness Crab Season**

12 198. Fishermen's Catch denies the allegations in Paragraph 198 of the SAC.

13 199. Fishermen's Catch denies the allegations in Paragraph 199 of the SAC.

14 200. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
15 the allegations in Paragraph 200 of the SAC, and accordingly denies the allegations on this
16 basis.

17 201. Fishermen's Catch denies the allegations in Paragraph 201 of the SAC.

18 202. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
19 the allegations in Paragraph 202 of the SAC, and accordingly denies the allegations on this
20 basis.

21 203. Fishermen's Catch denies the allegations in the first sentence of Paragraph 203 of
22 the SAC. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the
23 remaining allegations in Paragraph 203 of the SAC, and accordingly denies the allegations on
24 this basis.

25 204. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
26 the allegations in Paragraph 204 of the SAC, and accordingly denies the allegations on this
27 basis.

1 205. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 205 of the SAC, and accordingly denies the allegations on this
3 basis.

4 206. Fishermen's Catch admits that California Department of Fish and Wildlife
5 announced that the Dungeness crab season for California ports would open on December 31,
6 2022. Fishermen's Catch denies the remaining allegations in Paragraph 206 of the SAC.

7 207. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
8 the allegations in Paragraph 207 of the SAC, and accordingly denies the allegations on this
9 basis.

10 208. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
11 the allegations in Paragraph 208 of the SAC, and accordingly denies the allegations on this
12 basis.

13 209. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
14 the allegations in Paragraph 209 of the SAC, and accordingly denies the allegations on this
15 basis.

16 210. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
17 the allegations in Paragraph 210 of the SAC, and accordingly denies the allegations on this
18 basis.

19 211. Fishermen's Catch denies the allegations that there was a cartel or a price-fixing
20 agreement. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the
21 remaining allegations in Paragraph 211 of the SAC, and accordingly denies the allegations on
22 this basis.

23 212. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
24 the allegations in Paragraph 212 of the SAC, and accordingly denies the allegations on this
25 basis.

26 213. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
27 the allegations in Paragraph 213 of the SAC, and accordingly denies the allegations on this
28 basis.

1 214. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 214 of the SAC, and accordingly denies the allegations on this
3 basis.

4 215. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
5 the allegations in Paragraph 215 of the SAC, and accordingly denies the allegations on this
6 basis.

7 216. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
8 the allegations in Paragraph 216 of the SAC, and accordingly denies the allegations on this
9 basis.

10 217. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
11 the allegations in Paragraph 217 of the SAC, and accordingly denies the allegations on this
12 basis.

13 218. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
14 the allegations in Paragraph 218 of the SAC, and accordingly denies the allegations on this
15 basis.

16 219. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
17 the allegations in Paragraph 219 of the SAC, and accordingly denies the allegations on this
18 basis.

19 220. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
20 the allegations in Paragraph 220 of the SAC, and accordingly denies the allegations on this
21 basis.

22
23 **5. 2023/24 Pacific NW Area Dungeness Crab Season**

24 221. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
25 the allegations in Paragraph 221 of the SAC, and accordingly denies the allegations on this
26 basis.

222. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 222 of the SAC, and accordingly denies the allegations on this basis.

223. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 223 of the SAC, and accordingly denies the allegations on this basis.

224. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 224 of the SAC, and accordingly denies the allegations on this basis.

225. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 225 of the SAC, and accordingly denies the allegations on this basis.

226. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 226 of the SAC, and accordingly denies the allegations on this basis.

227. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 227 of the SAC, and accordingly denies the allegations on this basis.

228. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 228 of the SAC, and accordingly denies the allegations on this basis.

229. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 229 of the SAC, and accordingly denies the allegations on this basis.

C. After the Opening, Defendants Closely Coordinate With One Another on Ex Vessel Prices

230. Fishermen's Catch denies the allegations in Paragraph 230 of the SAC.

231. Fishermen's Catch denies the allegations in Paragraph 231 of the SAC.

1 232. Fishermen's Catch denies the allegations in Paragraph 232 of the SAC.

2 233. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
3 the allegations in Paragraph 233 of the SAC, and accordingly denies the allegations on this
4 basis.

5 234. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
6 the allegations in Paragraph 234 of the SAC, and accordingly denies the allegations on this
7 basis.

8 235. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
9 the allegations in Paragraph 235 of the SAC, and accordingly denies the allegations on this
10 basis.

11 236. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
12 the allegations in Paragraph 236 of the SAC, and accordingly denies the allegations on this
13 basis.

14 237. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
15 the allegations in Paragraph 237 of the SAC, and accordingly denies the allegations on this
16 basis.

17 238. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
18 the allegations in Paragraph 238 of the SAC, and accordingly denies the allegations on this
19 basis.

20 239. Fishermen's Catch denies the allegations in Paragraph 239 of the SAC.

21 240. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
22 the allegations in Paragraph 240 of the SAC, and accordingly denies the allegations on this
23 basis.

24 241. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
25 the allegations in Paragraph 241 of the SAC, and accordingly denies the allegations on this
26 basis.

27

28

1 242. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 242 of the SAC, and accordingly denies the allegations on this
3 basis.

4 243. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
5 the allegations in Paragraph 243 of the SAC, and accordingly denies the allegations on this
6 basis.

7 244. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
8 the allegations in Paragraph 244 of the SAC, and accordingly denies the allegations on this
9 basis.

10 245. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
11 the allegations in Paragraph 245 of the SAC, and accordingly denies the allegations on this
12 basis.

13 246. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
14 the allegations in Paragraph 246 of the SAC, and accordingly denies the allegations on this
15 basis.

16 247. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
17 the allegations in Paragraph 247 of the SAC, and accordingly denies the allegations on this
18 basis.

19 248. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
20 the allegations in Paragraph 248 of the SAC, and accordingly denies the allegations on this
21 basis.

22 249. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
23 the allegations in Paragraph 249 of the SAC, and accordingly denies the allegations on this
24 basis.

25 250. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
26 the allegations in Paragraph 250 of the SAC, and accordingly denies the allegations on this
27 basis.

251. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 251 of the SAC, and accordingly denies the allegations on this basis.

252. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 252 of the SAC, and accordingly denies the allegations on this basis.

253. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 253 of the SAC, and accordingly denies the allegations on this basis.

254. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 254 of the SAC, and accordingly denies the allegations on this basis.

255. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 255 of the SAC, and accordingly denies the allegations on this basis.

256. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 256 of the SAC, and accordingly denies the allegations on this basis.

257. Fishermen's Catch denies the allegations in Paragraph 257 of the SAC.

258. Fishermen's Catch denies the allegations in Paragraph 258 of the SAC.

259. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 259 of the SAC, and accordingly denies the allegations on this basis.

D. Defendants Have Consolidated Their Control of the Pacific NW Area Ex Vessel Dungeness Crab Market by Purchasing and in Many Cases Shutting Down Erstwhile Competitors, Entering Into Exclusivity Arrangements with Port Operators, and Limiting Non-Carel Members' Access to Hoists

1. Pacific Seafood

1 260. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 260 of the SAC, and accordingly denies the allegations on this
3 basis.

4 261. Fishermen's Catch admits that Pacific Seafood is a large ex vessel buyer of
5 Dungeness crab. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
6 the remaining allegations in Paragraph 261 of the SAC, and accordingly denies the allegations
7 on this basis.

8 262. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
9 the allegations in Paragraph 262 of the SAC, and accordingly denies the allegations on this
10 basis.

11 263. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
12 the allegations in Paragraph 263 of the SAC, and accordingly denies the allegations on this
13 basis.

14 264. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
15 the allegations in Paragraph 264 of the SAC, and accordingly denies the allegations on this
16 basis.

17 265. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
18 the allegations in Paragraph 265 of the SAC, and accordingly denies the allegations on this
19 basis.

20 266. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
21 the allegations in Paragraph 266 of the SAC, and accordingly denies the allegations on this
22 basis.

23 267. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
24 the allegations in Paragraph 267 of the SAC, and accordingly denies the allegations on this
25 basis.

26 268. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
27 the allegations in Paragraph 268 of the SAC, and accordingly denies the allegations on this
28 basis.

1 269. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 269 of the SAC, and accordingly denies the allegations on this
3 basis.

4 270. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
5 the allegations in Paragraph 270 of the SAC, and accordingly denies the allegations on this
6 basis.

7 271. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
8 the allegations in Paragraph 271 of the SAC, and accordingly denies the allegations on this
9 basis.

10 272. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
11 the allegations in Paragraph 272 of the SAC, and accordingly denies the allegations on this
12 basis.

13 273. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
14 the allegations in Paragraph 273 of the SAC, and accordingly denies the allegations on this
15 basis.

16
17 **2. Ilwaco Landing Fishermen**

18 274. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
19 the allegations in Paragraph 274 of the SAC, and accordingly denies the allegations on this
20 basis.

21 275. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
22 the allegations in Paragraph 275 of the SAC, and accordingly denies the allegations on this
23 basis.

24 276. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
25 the allegations in Paragraph 276 of the SAC, and accordingly denies the allegations on this
26 basis.
27
28

1 277. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 277 of the SAC, and accordingly denies the allegations on this
3 basis.

4
5 **3. Trinidad**

6 278. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
7 the allegations in Paragraph 278 of the SAC, and accordingly denies the allegations on this
8 basis.

9 279. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
10 the allegations in Paragraph 279 of the SAC, and accordingly denies the allegations on this
11 basis.

12 280. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
13 the allegations in Paragraph 280 of the SAC, and accordingly denies the allegations on this
14 basis.

15 281. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
16 the allegations in Paragraph 281 of the SAC, and accordingly denies the allegations on this
17 basis.

18 **4. Eureka**

19 282. Fishermen's Catch admits that Peter Nguyen used to work at Next Seafood and is
20 the buyer for and owner of Fishermen's Catch. Fishermen's Catch lacks knowledge or
21 information sufficient to admit or deny the remaining allegations in Paragraph 282 of the SAC,
22 and accordingly denies the allegations on this basis.

23 283. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
24 the allegations in Paragraph 283 of the SAC, and accordingly denies the allegations on this
25 basis.

26 284. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
27 the allegations in Paragraph 284 of the SAC, and accordingly denies the allegations on this
28 basis.

1 285. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 285 of the SAC, and accordingly denies the allegations on this
3 basis.

4 286. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
5 the allegations in Paragraph 286 of the SAC, and accordingly denies the allegations on this
6 basis.

7
8 **E. To Eliminate Price Pressure Formerly Created by Out of Port Buyers,
Defendants Have Agreed to Buy and Sell "Out the Back Door"**

9 287. Fishermen's Catch denies the allegations in Paragraph 287 of the SAC.

10 288. Fishermen's Catch denies the allegations in Paragraph 288 of the SAC.

11
12 **1. South Bend**

13 289. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
14 the allegations in Paragraph 289 of the SAC, and accordingly denies the allegations on this
15 basis.

16 290. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
17 the allegations in Paragraph 290 of the SAC, and accordingly denies the allegations on this
18 basis.

19 **2. Caito**

20 291. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
21 the allegations in Paragraph 291 of the SAC, and accordingly denies the allegations on this
22 basis.

23 292. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
24 the allegations in Paragraph 292 of the SAC, and accordingly denies the allegations on this
25 basis.

26 293. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
27 the allegations in Paragraph 293 of the SAC, and accordingly denies the allegations on this
28 basis.

1
2 **3. San Francisco**

3 294. Fishermen's Catch admits that Peter Nguyen currently owns and runs
4 Fishermen's Catch, and that he formerly worked for Global Quality and Next Seafood.
5 Fishermen's Catch denies that it transferred any crab based on an unlawful agreement.
6 Fishermen's Catch lacks knowledge or information sufficient to admit or deny the remaining
7 allegations in Paragraph 294 of the SAC, and accordingly denies the allegations on this basis.
8 Unless expressly admitted, Fishermen's Catch denies the allegations in Paragraph 294.

9 295. Fishermen's Catch denies that Mr. Nguyen dictates the ex vessel prices that other
10 purchasers of crab pays. Fishermen's Catch lacks knowledge or information sufficient to admit
11 or deny the remaining allegations in Paragraph 295 of the SAC, and accordingly denies the
12 allegations on this basis.

13 **4. Crescent City**

14 296. Fishermen's Catch denies the allegations in Paragraph 296.

15 297. Fishermen's Catch admits that it leases 2 hoists in Crescent City. Fishermen's
16 Catch admits that other crab buyers use hoists in Crescent City. Fishermen's Catch lacks
17 knowledge or information sufficient to admit or deny the remaining allegations in Paragraph
18 297 of the SAC, and accordingly denies the allegations on this basis.

19 298. Fishermen's Catch denies the allegations in Paragraph 298 of the SAC.

20 299. Fishermen's Catch denies the allegations in Paragraph 299 of the SAC.

21
22 **F. Defendants Aggressively Coerce Compliance by Each Other by and by
Other Buyers with the Agreed Upon Pricing**

23 **1. During the 2022/23 and 2023/24 Seasons, a New Buyer Sought to**
24 **Capture Market Share by Offering Higher Prices; Defendants Sought to**
25 **Bring Him into the Cartel and When This Failed Inflicted Repeated**
26 **Punishments**

27 300. Fishermen's Catch denies that it was trying to "drive the boot right in" to a new
28 buyer. Fishermen's Catch lacks knowledge or information sufficient to admit or deny the

1 remaining allegations in Paragraph 300 of the SAC, and accordingly denies the allegations on
2 this basis.

3 301. Fishermen's Catch denies the allegations in Paragraph 301 in the SAC.

4
5 **a. January 2023: Nor-Cal's Kevin Lee and Pacific Seafood's Frank**
6 **Dulcich Solicited Confidential Buyer Informant #1 to Participate In**
7 **Cartel, Then Punished him When He Refused**

8 302. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
9 the allegations in Paragraph 302 of the SAC, and accordingly denies the allegations on this
10 basis.

11 303. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
12 the allegations in Paragraph 303 of the SAC, and accordingly denies the allegations on this
13 basis.

14 304. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
15 the allegations in Paragraph 304 of the SAC, and accordingly denies the allegations on this
16 basis.

17 305. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
18 the allegations in Paragraph 305 of the SAC, and accordingly denies the allegations on this
19 basis.

20 306. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
21 the allegations in Paragraph 306 of the SAC, and accordingly denies the allegations on this
22 basis.

23 **b. In Early 2023, Safe Coast's Max Boland Tried to Get Confidential**
24 **Buyer Informant to Toe the Cartel's Line on Ex Vessel Prices Set**
25 **by Pacific Seafood**

26 307. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
27 the allegations in Paragraph 307 of the SAC, and accordingly denies the allegations on this
28 basis.

1 308. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 308 of the SAC, and accordingly denies the allegations on this
3 basis.

4
5 **c. February/March 2023: In Response to Confidential Buyer**
6 **Informant #1's Publicized Offer of a Higher Ex Vessel Price,**
7 **Multiple Cartel Members Told Confidential Buyer Informant #1**
8 **to Lower His Ex Vessel Price**

9 309. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
10 the allegations in Paragraph 309 of the SAC, and accordingly denies the allegations on this
11 basis.

12 310. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
13 the allegations in Paragraph 310 of the SAC, and accordingly denies the allegations on this
14 basis.

15 311. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
16 the allegations in Paragraph 311 of the SAC, and accordingly denies the allegations on this
17 basis.

18 **d. April/May 2023: More Cartel Members Tell Confidential Buyer**
19 **Informant to Lower His Ex Vessel Price**

20 312. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
21 the allegations in Paragraph 312 of the SAC, and accordingly denies the allegations on this
22 basis.

23 313. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
24 the allegations in Paragraph 313 of the SAC, and accordingly denies the allegations on this
25 basis.

26 **e. July/August 2023: Pacific Seafood Interfere in Confidential**
27 **Informant's Effort to Establish a Buyer Operation in Eureka**

28 314. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
the allegations in Paragraph 314 of the SAC, and accordingly denies the allegations on this
basis.

1 315. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 315 of the SAC, and accordingly denies the allegations on this
3 basis.

4 316. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
5 the allegations in Paragraph 316 of the SAC, and accordingly denies the allegations on this
6 basis.

7 317. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
8 the allegations in Paragraph 317 of the SAC, and accordingly denies the allegations on this
9 basis.

10
11 **f. August 2023: Bornstein's Andrew Bornstein and Mike Shirley**
12 **Offer Confidential Buyer Informant Significant Benefits if He**
13 **Joins the Cartel in the up Coming Season**

14 318. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
15 the allegations in Paragraph 318 of the SAC, and accordingly denies the allegations on this
16 basis.

17 319. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
18 the allegations in Paragraph 319 of the SAC, and accordingly denies the allegations on this
19 basis.

20 320. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
21 the allegations in Paragraph 320 of the SAC, and accordingly denies the allegations on this
22 basis.

23 **g. Early/Mid-December 2023: Pacific Seafood's Brett Hester**
24 **Threatened Confidential Buyer Informant #1 After He Did Not**
25 **Comply With Pacific Seafood's Opening Price Instruction**

26 321. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
27 the allegations in Paragraph 321 of the SAC, and accordingly denies the allegations on this
28 basis.

1 322. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 322 of the SAC, and accordingly denies the allegations on this
3 basis.

4 323. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
5 the allegations in Paragraph 323 of the SAC, and accordingly denies the allegations on this
6 basis.

7
8 **h. Late December 2023: Nor-Cal's Kevin Lee Again Sought to Bring
Confidential Buyer Informant #1 into the Cartel**

9 324. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
10 the allegations in Paragraph 324 of the SAC, and accordingly denies the allegations on this
11 basis.

12 325. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
13 the allegations in Paragraph 325 of the SAC, and accordingly denies the allegations on this
14 basis.

15 326. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
16 the allegations in Paragraph 326 of the SAC, and accordingly denies the allegations on this
17 basis.

18 327. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
19 the allegations in Paragraph 327 of the SAC, and accordingly denies the allegations on this
20 basis.

21
22 **i. December 2023/January 2024: Pacific Seafood Instructs Other
Defendants Not to Do Business With Confidential Buyer
Informant #1**

23 328. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
24 the allegations in Paragraph 328 of the SAC, and accordingly denies the allegations on this
25 basis.

26 329. Fishermen's Catch denies the allegations that it was instructed by Pacific
27 Seafood not to do business with any buyer of crab, and denies that it told any buyer of crab that
28

1 it was getting calls from high-level individuals at Pacific Seafood asking them not to do
 2 business with any buyer of crab. Fishermen's Catch lacks knowledge or information sufficient
 3 to admit or deny the remaining allegations in Paragraph 329 of the SAC, and accordingly denies
 4 the allegations on this basis.

5 330. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
 6 the allegations in Paragraph 330 of the SAC, and accordingly denies the allegations on this
 7 basis.

8
 9 **j. Early-January 2024: Confidential Buyer Informant #1 Is**
 10 **Threatened by Cartel Members for Raising Ex Vessel Prices and**
 11 **Has Business Deals Interfered With as Punishment**

12 331. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
 13 the allegations in Paragraph 331 of the SAC, and accordingly denies the allegations on this
 14 basis.

15 332. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
 16 the allegations in Paragraph 332 of the SAC, and accordingly denies the allegations on this
 17 basis.

18 333. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
 19 the allegations in Paragraph 333 of the SAC, and accordingly denies the allegations on this
 20 basis.

21 334. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
 22 the allegations in Paragraph 334 of the SAC, and accordingly denies the allegations on this
 23 basis.

24 335. Fishermen's Catch denies the allegation that Mr. Mareno called it in an effort to
 25 get it to stop buying from any crab buyer. Fishermen's Catch lacks knowledge or information
 26 sufficient to admit or deny the allegations in Paragraph 335 of the SAC, and accordingly denies
 27 the allegations on this basis. Unless expressly admitted, Fishermen's Catch denies the
 28 allegations in Paragraph 335 of the SAC.

1 336. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 336 of the SAC, and accordingly denies the allegations on this
3 basis.

4
5 **k. January 2024: Defendants Take a Series of Actions in Charleston,
6 OR to Punish Buyer Informant #1 and Drive Him Out of Port**

7 337. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
8 the allegations in Paragraph 337 of the SAC, and accordingly denies the allegations on this
9 basis.

10 338. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
11 the allegations in Paragraph 338 of the SAC, and accordingly denies the allegations on this
12 basis.

13 339. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
14 the allegations in Paragraph 339 of the SAC, and accordingly denies the allegations on this
15 basis.

16 340. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
17 the allegations in Paragraph 340 of the SAC, and accordingly denies the allegations on this
18 basis.

19 341. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
20 the allegations in Paragraph 341 of the SAC, and accordingly denies the allegations on this
21 basis.

22 342. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
23 the allegations in Paragraph 342 of the SAC, and accordingly denies the allegations on this
24 basis.

25 343. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
26 the allegations in Paragraph 343 of the SAC, and accordingly denies the allegations on this
27 basis.
28

1 344. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 344 of the SAC, and accordingly denies the allegations on this
3 basis.

4 345. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
5 the allegations in Paragraph 345 of the SAC, and accordingly denies the allegations on this
6 basis.

7 346. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
8 the allegations in Paragraph 346 of the SAC, and accordingly denies the allegations on this
9 basis.

10 347. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
11 the allegations in Paragraph 347 of the SAC, and accordingly denies the allegations on this
12 basis.

13 348. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
14 the allegations in Paragraph 348 of the SAC, and accordingly denies the allegations on this
15 basis.

16 349. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
17 the allegations in Paragraph 349 of the SAC, and accordingly denies the allegations on this
18 basis.

19 350. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
20 the allegations in Paragraph 350 of the SAC, and accordingly denies the allegations on this
21 basis.

22
23 **I. Mid/Late-January 2024: Representatives of Defendants and**
24 **Other Co-Conspirators Met at San Francisco's Pier 45 and**
25 **Devised a Plan to Run Confidential Buyer Informant #1 Out of**
26 **Business**

27 351. Fishermen's Catch denies that Peter Nguyen met with other crab buyers on or
28 around January 20, 2024 at Pier 45 in San Francisco. Fishermen's Catch lacks knowledge or
information sufficient to admit or deny the remaining allegations in Paragraph 351 of the SAC,

1 and accordingly denies the allegations on this basis. Unless expressly admitted, Fishermen's
2 Catch denies the allegations in Paragraph 351 of the SAC.

3 352. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
4 the allegations in Paragraph 352 of the SAC, and accordingly denies the allegations on this
5 basis.

6 353. Fishermen's Catch denies that it reneged on agreements to buy crab from a crab
7 buyer, or stopped paying for crab that had already been delivered, after January 20, 2024.
8 Fishermen's Catch lacks knowledge or information sufficient to admit or deny the remaining
9 allegations in Paragraph 353 of the SAC, and accordingly denies the allegations on this basis.
10 Unless expressly admitted, Fishermen's Catch denies the allegations in Paragraph 353 of the
11 SAC.

12 354. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
13 the allegations in Paragraph 354 of the SAC, and accordingly denies the allegations on this
14 basis.

15 355. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
16 the allegations in Paragraph 355 of the SAC, and accordingly denies the allegations on this
17 basis.

18 356. Fishermen's Catch denies the allegations in Paragraph 356 of the SAC.

19 357. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
20 the allegations in Paragraph 357 of the SAC, and accordingly denies the allegations on this
21 basis.

22 358. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
23 the allegations in Paragraph 358 of the SAC, and accordingly denies the allegations on this
24 basis.

25 359. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
26 the allegations in Paragraph 359 of the SAC, and accordingly denies the allegations on this
27 basis.

1 360. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 360 of the SAC, and accordingly denies the allegations on this
3 basis.

4
5 **2. Other Buyers Have Also Been Threatened by Defendants About
Breaking Ranks on Price and Have Been Punished for Doing So**

6 **1. Early-January 2023: Nor-Cal and Unnamed Co-conspirator #1
Dropped the Ex Vessel Prices They Were Offering After Being
7 Warned By Defendants to Toe the Line**

8 361. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
9 the allegations in Paragraph 361 of the SAC, and accordingly denies the allegations on this
10 basis.

11 362. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
12 the allegations in Paragraph 362 of the SAC, and accordingly denies the allegations on this
13 basis.

14
15 **2. Mid-January 2023: Pacific Seafood Flooded the Sell-Side Markets
of Non-Compliant Buyers with Cheap Crabs**

16 363. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
17 the remaining allegations in Paragraph 363 of the SAC, and accordingly denies the allegations
18 on this basis.

19 364. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
20 the allegations in Paragraph 364 of the SAC, and accordingly denies the allegations on this
21 basis.

22 365. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
23 the allegations in Paragraph 365 of the SAC, and accordingly denies the allegations on this
24 basis.

25
26 **c. Late-December 2023: Pacific Seafood Sent Buyers, Including
Non-Cartel Members, a Warning About Paying Over the Ex
27 Vessel Price Set By It**

1 366. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 366 of the SAC, and accordingly denies the allegations on this
3 basis.

4 367. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
5 the allegations in Paragraph 367 of the SAC, and accordingly denies the allegations on this
6 basis.

7
8 **d. Pacific Seafood Uses Its Dominance in Other Areas of Seafood to**
9 **Enforce Compliance with the Cartel's Dungeness Crab Pricing**
10 **Dictates**

11 368. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
12 the allegations in Paragraph 368 of the SAC, and accordingly denies the allegations on this
13 basis.

14 369. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
15 the allegations in Paragraph 369 of the SAC, and accordingly denies the allegations on this
16 basis.

17 **3. As a Result, When Defendants and Other Buyers Pay Ex Vessel**
18 **Prices Above the "Fixed Price" They Seek to Hide that Fact, Which**
19 **Doesn't Make Economic Sense Absent a Price-Fixing Agreement**

20 370. Fishermen's Catch denies the allegations in Paragraph 370 of the SAC.

21 371. Fishermen's Catch denies the allegations in Paragraph 371 of the SAC.

22 372. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
23 the allegations in Paragraph 372 of the SAC, and accordingly denies the allegations on this
24 basis.

25 373. Fishermen's Catch denies the allegations in Paragraph 373 of the SAC.

26 374. Fishermen's Catch denies the allegations in Paragraph 374 of the SAC.

27 375. Fishermen's Catch denies the allegations in Paragraph 375 of the SAC.

28 376. Fishermen's Catch denies the allegations in Paragraph 376 of the SAC.

1 377. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 377 of the SAC, and accordingly denies the allegations on this
3 basis.

4 378. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
5 the allegations in Paragraph 378 of the SAC, and accordingly denies the allegations on this
6 basis.

7 379. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
8 the allegations in Paragraph 379 of the SAC, and accordingly denies the allegations on this
9 basis.

10 380. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
11 the allegations in Paragraph 380 of the SAC, and accordingly denies the allegations on this
12 basis.

13 381. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
14 the allegations in Paragraph 381 of the SAC, and accordingly denies the allegations on this
15 basis.

16 382. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
17 the allegations in Paragraph 382 of the SAC, and accordingly denies the allegations on this
18 basis.

19 383. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
20 the allegations in Paragraph 383 of the SAC, and accordingly denies the allegations on this
21 basis.

22 384. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
23 the allegations in Paragraph 384 of the SAC, and accordingly denies the allegations on this
24 basis.

25 385. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
26 the allegations in Paragraph 385 of the SAC, and accordingly denies the allegations on this
27 basis.

1 386. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 386 of the SAC, and accordingly denies the allegations on this
3 basis.

4 387. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
5 the allegations in Paragraph 387 of the SAC, and accordingly denies the allegations on this
6 basis.

7 388. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
8 the allegations in Paragraph 388 of the SAC, and accordingly denies the allegations on this
9 basis.

10 389. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
11 the allegations in Paragraph 389 of the SAC, and accordingly denies the allegations on this
12 basis.

13 390. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
14 the allegations in Paragraph 390 of the SAC, and accordingly denies the allegations on this
15 basis.

16 391. Fishermen's Catch denies the allegations in Paragraph 391 of the SAC.

17 392. Fishermen's Catch denies the allegations in Paragraph 392 of the SAC.

18 393. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
19 the allegations in Paragraph 393 of the SAC, and accordingly denies the allegations on this
20 basis.

21 394. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
22 the allegations in Paragraph 394 of the SAC, and accordingly denies the allegations on this
23 basis.

24 395. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
25 the allegations in Paragraph 395 of the SAC, and accordingly denies the allegations on this
26 basis.

27
28 **G. Defendants Aggressively Coerce Compliance by Each Other by and by
Other Buyers with the Agreed Upon Pricing**

1 396. Fishermen's Catch denies the allegations in Paragraph 396 of the SAC.

2 397. Fishermen's Catch denies the allegations in Paragraph 397 of the SAC.

3 398. Fishermen's Catch denies the allegations in Paragraph 398 of the SAC.

4 399. Fishermen's Catch denies the allegations in Paragraph 399 of the SAC.

5
6 **1. Pacific Seafood**

7
8 400. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
9 the allegations in Paragraph 400 of the SAC, and accordingly denies the allegations on this
10 basis.

11 401. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
12 the allegations in Paragraph 401 of the SAC, and accordingly denies the allegations on this
13 basis.

14 402. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
15 the allegations in Paragraph 402 of the SAC, and accordingly denies the allegations on this
16 basis.

17 403. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
18 the allegations in Paragraph 403 of the SAC, and accordingly denies the allegations on this
19 basis.

20 404. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
21 the allegations in Paragraph 404 of the SAC, and accordingly denies the allegations on this
22 basis.

23
24 **2. Hallmark**

25 405. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
26 the allegations in Paragraph 405 of the SAC, and accordingly denies the allegations on this
27 basis.
28

1 406. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 406 of the SAC, and accordingly denies the allegations on this
3 basis.

4 407. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
5 the allegations in Paragraph 407 of the SAC, and accordingly denies the allegations on this
6 basis.

7 408. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
8 the allegations in Paragraph 408 of the SAC, and accordingly denies the allegations on this
9 basis.

10 409. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
11 the allegations in Paragraph 409 of the SAC, and accordingly denies the allegations on this
12 basis.

13 410. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
14 the allegations in Paragraph 410 of the SAC, and accordingly denies the allegations on this
15 basis.

16 411. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
17 the allegations in Paragraph 411 of the SAC, and accordingly denies the allegations on this
18 basis.

19 412. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
20 the allegations in Paragraph 412 of the SAC, and accordingly denies the allegations on this
21 basis.

22 413. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
23 the allegations in Paragraph 413 of the SAC, and accordingly denies the allegations on this
24 basis.

25
26 **3. Hallmark**
27
28

1 414. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
2 the allegations in Paragraph 414 of the SAC, and accordingly denies the allegations on this
3 basis.

4 415. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
5 the allegations in Paragraph 415 of the SAC, and accordingly denies the allegations on this
6 basis.

7
8 **III. Buyers Who Are Not Part of the Cartel, Nonetheless, Generally Obey Its
Pricing Dictates in Order to Avoid Retaliatory Actions by Defendants**

9 416. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
10 the allegations in Paragraph 416 of the SAC, and accordingly denies the allegations on this
11 basis.

12 417. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
13 the allegations in Paragraph 417 of the SAC, and accordingly denies the allegations on this
14 basis.

15 418. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
16 the allegations in Paragraph 418 of the SAC, and accordingly denies the allegations on this
17 basis.

18 419. Fishermen's Catch lacks knowledge or information sufficient to admit or deny
19 the allegations in Paragraph 419 of the SAC, and accordingly denies the allegations on this
20 basis.

21
22 **ANTITRUST INJURY**

23 420. Fishermen's Catch denies the allegations in Paragraph 420 of the SAC.

24 421. Fishermen's Catch denies the allegations in Paragraph 421 of the SAC.

25 422. Fishermen's Catch denies the allegations in Paragraph 422 of the SAC.

26 423. Fishermen's Catch denies the allegations in Paragraph 423 of the SAC.

27 424. Fishermen's Catch denies the allegations in Paragraph 424 of the SAC.
28

CLASS ACTION ALLEGATIONS

425. The allegations in Paragraph 425 of the SAC are legal conclusions, and thus no response is required. To the extent a response is required, Fishermen's Catch denies the allegations in Paragraph 425 of the SAC.

426. The allegations in Paragraph 426 of the SAC are legal conclusions, and thus no response is required. To the extent a response is required, Fishermen's Catch denies the allegations in Paragraph 426 of the SAC.

427. The allegations in Paragraph 427 of the SAC are legal conclusions, and thus no response is required. To the extent a response is required, Fishermen's Catch admits that the SAC excludes certain individuals and entities from the proposed Classes. Unless expressly admitted, Fishermen's Catch denies the allegations in Paragraph 427 of the SAC.

428. The allegations in Paragraph 428 of the SAC are legal conclusions, and thus no response is required. To the extent a response is required, Fishermen's Catch denies the allegations in Paragraph 428 of the SAC.

429. The allegations in Paragraph 429 of the SAC are legal conclusions, and thus no response is required. To the extent a response is required, Fishermen's Catch denies the allegations in Paragraph 429 of the SAC.

430. The allegations in Paragraph 430 of the SAC are legal conclusions, and thus no response is required. To the extent a response is required, Fishermen's Catch denies the allegations in Paragraph 430 of the SAC.

431. The allegations in Paragraph 431 of the SAC are legal conclusions, and thus no response is required. To the extent a response is required, Fishermen's Catch denies the allegations in Paragraph 431 of the SAC.

432. The allegations in Paragraph 432 of the SAC are legal conclusions, and thus no response is required. To the extent a response is required, Fishermen's Catch denies the allegations in Paragraph 432 of the SAC.

1 433. The allegations in Paragraph 433 of the SAC are legal conclusions, and thus no
2 response is required. To the extent a response is required, Fishermen's Catch denies the
3 allegations in Paragraph 433 of the SAC.

4 434. The allegations in Paragraph 434 of the SAC are legal conclusions, and thus no
5 response is required. To the extent a response is required, Fishermen's Catch denies the
6 allegations in Paragraph 434 of the SAC.

7 435. The allegations in Paragraph 435 of the SAC are legal conclusions, and thus no
8 response is required. To the extent a response is required, Fishermen's Catch denies the
9 allegations in Paragraph 435 of the SAC.

11 **DELAYED DISCOVERY/FRAUDULENT CONCEALMENT**

12 436. Fishermen's Catch denies the allegations in Paragraph 436 of the SAC.

13 437. Fishermen's Catch denies the allegations in Paragraph 437 of the SAC.

14 438. Fishermen's Catch denies the allegations in Paragraph 438 of the SAC.

15 439. Fishermen's Catch denies the allegations in Paragraph 439 of the SAC.

16 440. Fishermen's Catch denies the allegations in Paragraph 440 of the SAC.

17 441. Fishermen's Catch denies the allegations in Paragraph 441 of the SAC.

18 442. Fishermen's Catch denies the allegations in Paragraph 442 of the SAC.

20 **CLAIMS FOR RELIEF**

21 **FIRST CAUSE OF ACTION**

22 **Unlawful Agreements in Restraint of Trade in Violation of Section 1 of the Sherman Act,**

23 **15 U.S.C. § 1**

24 **(Against All Defendants on Behalf of Plaintiffs and the Sherman Act Class)**

25 443. Fishermen's Catch incorporates its responses to each Paragraph as if fully herein.

26 444. Fishermen's Catch denies the allegations in Paragraph 444 of the SAC.

27 445. Fishermen's Catch denies the allegations in Paragraph 445 of the SAC.

28 446. Fishermen's Catch denies the allegations in Paragraph 446 of the SAC.

1 447. Fishermen's Catch denies the allegations in Paragraph 447 of the SAC.

2 448. Fishermen's Catch denies the allegations in Paragraph 448 of the SAC.

3 449. Fishermen's Catch denies the allegations in Paragraph 449 of the SAC.

4 450. Fishermen's Catch denies the allegations in Paragraph 450 of the SAC.

5 451. Fishermen's Catch denies the allegations in Paragraph 451 of the SAC.

6 452. Fishermen's Catch denies the allegations in Paragraph 452 of the SAC.

7
8 **SECOND CAUSE OF ACTION**

9 **Combination in Restraint of Trade in Violation of the California Cartwright Act, Cal. Bus.**
10 **and Prof. Code Sections 16720, et seq.**

11 **(Against All Defendants on Behalf of Plaintiffs and the California Class)**

12 453. Fishermen's Catch incorporates its responses to each Paragraph as if fully herein.

13 454. Fishermen's Catch denies the allegations in Paragraph 454 of the SAC.

14 455. Fishermen's Catch denies the allegations in Paragraph 455 of the SAC.

15 456. Fishermen's Catch denies the allegations in Paragraph 456 of the SAC.

16 457. Fishermen's Catch denies the allegations in Paragraph 457 of the SAC.

17 458. Fishermen's Catch denies the allegations in Paragraph 458 of the SAC.

18
19 **THIRD CAUSE OF ACTION**

20 **Violation of the California Unfair Competition Law, Cal. Bus and Prof. Code § 17200, et**
21 **seq.**

22 **(Against All Defendants on Behalf of Plaintiff Little and the California Class)**

23 459. Fishermen's Catch incorporates its responses to each Paragraph as if fully herein.

24 460. Fishermen's Catch denies the allegations in Paragraph 460 of the SAC.

25 461. Fishermen's Catch denies the allegations in Paragraph 461 of the SAC.

26 462. Fishermen's Catch denies the allegations in Paragraph 462 of the SAC.

27 463. Fishermen's Catch denies the allegations in Paragraph 463 of the SAC.

28 464. Fishermen's Catch denies the allegations in Paragraph 464 of the SAC.

FOURTH CAUSE OF ACTION

For Declaratory Relief Under 28 U.S.C. § 2201

(Against All Defendants on Behalf of Plaintiff and All Classes)

465. Fishermen's Catch incorporates its responses to each Paragraph as if fully herein.

466. Fishermen's Catch denies the allegations in Paragraph 466 of the SAC.

ANSWER TO PRAYER FOR RELIEF

Fishermen's Catch denies that Plaintiffs are entitled to certification of any class, declaratory judgment, damages of any kind, injunctive relief of any kind, or any of the other relief they purport to seek and accordingly, Fishermen's Catch denies each and every factual allegation contained in Plaintiffs' Prayer for Relief. Fishermen's Catch admits that Plaintiffs request "trial by jury for all matters so triable."

SEPARATE AND ADDITIONAL DEFENSES

Without assuming any burden of proof that it would not otherwise bear, Fishermen's Catch also asserts the following separate and additional defenses:

FIRST DEFENSE

(Lack of Standing)

Plaintiffs lack standing to assert their claims. Among other things, Plaintiffs have not sustained any injury, cognizable damage, or other harm as a result of conduct alleged in the SAC because Plaintiffs did not sell Dungeness crab ex vessel to Fishermen's Catch within the limitations period. Claims of putative class members also fail for lack of standing. Fishermen's Catch reserves the right to challenge the standing of each putative class member.

SECOND DEFENSE

(Failure to State a Claim)

1 Plaintiffs' claims fail to state a claim upon which relief can be granted.

2
3 **THIRD DEFENSE**

4 **(State Action Doctrine)**

5 Plaintiffs' claims are barred, in whole or in part, by immunity granted directly by state
6 law or by the state action doctrine, *see Parker v. Brown*, 317 U.S. 341 (1943).

7
8 **FOURTH DEFENSE**

9 **(First Amendment and Noerr-Pennington Doctrine)**

10 The claims of the Plaintiffs are barred, in whole or in part, insofar as they challenge the exercise
11 of rights protected by the First Amendment of the United States Constitution and by the *Noerr-*
12 *Pennington* doctrine.

13
14 **FIFTH DEFENSE**

15 **(Justified and/or Pro-Competitive Conduct)**

16 Plaintiffs' claims are barred, in whole or in part, because all of Fishermen's Catch's conduct
17 challenged by Plaintiffs was lawful, fair, non-deceptive, expressly authorized by law, justified,
18 and pro-competitive; it constituted a bona fide business practice consistent with industry
19 practices and was carried out in furtherance of legitimate business interests; and it was a part of
20 Fishermen Catch's lawful business operations.

21
22 **SIXTH DEFENSE**

23 **(Statute(s) of Limitations)**

24 Plaintiffs' claims are barred, in whole or in part, by the applicable statute of limitations.

25
26 **SEVENTH DEFENSE**

27 **(Laches/Waiver/Estoppel)**

1 Plaintiffs' claims are barred, in whole or in part, by the doctrines of laches, waiver,
2 and/or estoppel.

3
4 **EIGHTH DEFENSE**

5 **(Unclean Hands)**

6 Plaintiffs' claims are barred, in whole or in part, by the doctrine of unclean hands.

7
8 **NINTH DEFENSE**

9 **(Lack of Damages/Mitigation)**

10 Plaintiffs have no damages or have failed to mitigate damages, if any.

11
12 **TENTH DEFENSE**

13 **(Independent, Unforeseeable, Superseding, and/or Intervening Cause(s))**

14 Plaintiffs' claims are barred, in whole or in part, because the injuries, damages, and
15 losses alleged in the SAC, none being admitted, may have resulted, at least in part, from
16 independent, unforeseeable, superseding, and/or intervening causes including, but not limited to,
17 independent market forces and actions by or decision made by other individuals or entities not
18 party to this lawsuit.

19
20 **ELEVENTH DEFENSE**

21 **(Failure to State a Claim for Certification of a Class)**

22 Plaintiffs' class action allegations are vague, overbroad, and otherwise fail to state a
23 claim for class treatment pursuant to Rule 23 of the Federal Rules of Civil Procedure.

24
25 **TWELFTH DEFENSE**

26 **(Constitutional Right to Separate Trials)**

1 The class action claims are barred, in whole or in part, to the extent that certification of
2 this action as a class action would violate Fishermen's Catch's constitutional right to separate
3 trials and/or to assert separate defenses for each claim by each putative class member.

4
5 **THIRTEENTH DEFENSE**

6 **(Due Process)**

7 The class action claims are barred, in whole or in part, to the extent that they seek to
8 deprive Fishermen's Catch's of procedural and substantive safeguards, including, but not
9 limited to, traditional defenses to liability, in violation of the due process clause of the United
10 States Constitution and analogous provisions of the California Constitution. This includes that,
11 to the extent Plaintiffs and the proposed class seek relief on behalf of purported class members
12 who have not suffered any injury or damages, the SAC and each of its claims for relief therein
13 violate Fishermen's Catch's rights to due process under the United States Constitution.

14
15 **FOURTEENTH DEFENSE**

16 **(Acquiescence)**

17 Plaintiffs' claims are barred, in whole or in part, by the Plaintiffs' knowing acquiescence
18 to the restraints of trade alleged in the SAC.

19
20 **FIFTEENTH DEFENSE**

21 **(Duplicative Recovery)**

22 Plaintiffs' claims are barred in whole or in part to the extent that they seek or would
23 recover double or duplicative recovery.

24
25 **SIXTEENTH DEFENSE**

26 **(Setoff)**

27 Without admitting the existence of any contract, combination, or conspiracy in restraint
28 of trade, and expressly denying same, Plaintiffs' claims are barred, in whole or in part, by non-

1 settling Defendants' right to set off any amounts paid to Plaintiffs by any Defendants who have
 2 settled, or do settle, Plaintiffs' claims against them in this action.

3 4 **Reservations**

5 Fishermen's Catch adopts and incorporates by reference any and all other defenses
 6 asserted by any other Defendant to the extent that the defense would apply to Fishermen's
 7 Catch. Fishermen's Catch further reserves the right to amend this Answer for the purpose of
 8 asserting any such additional affirmative defenses. Fishermen's Catch further reserves the right
 9 to assert other defenses as this action proceeds up to and including the time of trial.

10 11 **PRAYER FOR RELIEF**

12 Wherefore, Defendant Fishermen's Catch, Inc. prays for judgment as follows:

- 13 1. That Plaintiffs and the proposed class take nothing by reason of the Amended
- 14 Complaint, that judgment be rendered in favor of Defendant;
- 15 2. That Defendant be awarded its costs of suit incurred in defense of this action; and
- 16 3. For such other relief as the Court deems proper.

17 18 **DEMAND FOR JURY TRIAL**

19 Defendant Fishermen's Catch, Inc. hereby demands a trial by jury for all claims so
 20 triable.

21
22 Dated: February 21, 2025

MCLELLAN LAW GROUP, LLP

23
24 /s/Steven D. McLellan

25 Steven D. McLellan (SBN 311395)
 26 Claire A. Melehani (SBN 324763)
 27 MCLELLAN LAW GROUP, LLP
 28 Counsel for Defendant,
 Fishermen's Catch, Inc.